

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	No.
)	
v.)	(Judge)
)	
Contents of various bank accounts)	
and cash in lieu of contents of various)	
bank accounts with PNC Bank and)	
Bank of America in the names of)	
ZiXiuTangBeePollen.com,)	
www.ZixiuTangBeePollen.com, LLC,)	
STACKS, LLC, and)	
Julia M. Echeverria,)	
)	
Defendants.)	(Electronically filed)

VERIFIED COMPLAINT OF FORFEITURE

The United States of America, by and through its attorneys, Peter J. Smith, United States Attorney for the Middle District of Pennsylvania, and James T. Clancy, Assistant United States Attorney, files this Verified Complaint of Forfeiture in rem, respectfully alleging on information and belief the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

1. This is an action to forfeit and condemn to the use and benefit of the United States of America the following property (hereinafter “defendant currency”), pursuant to 18 U.S.C. § 981(a)(1)(C):

- a. Contents of PNC Bank account number 53-3081-9708 held in the name of Stacks, LLC;
- b. Contents of PNC bank account number 53-1072-9983 held in the name of ZixiuTangBellPollen.com, LLC;
- c. Contents of PNC Bank account number 53-1072-9924 held in the name of www.ZixiuTangBeePollen.com, LLC;
- d. Contents of PNC Bank account number 55-6062-7541 held in the name of Julia M Echeverria;
- e. Cash/Currency in lieu of Contents of Bank of America account number 435015879545 held in the names of Julia M. Echeverria and ZixiuTangBeePollen.com;
- f. Cash/Currency in lieu of Contents of Bank of America account number 00135190491 held in the names of Julia M. Echeverria and ZixiuTangBeePollen.com;
- g. Cash/Currency in lieu of Contents of Bank of America account number 435015870822 held in the names of Julia M. Echeverria and ZixiuTangBeePollen.com; and
- h. Cash/Currency in lieu of Contents of Bank of America

account number 001350194717 held in the names of
Julia M. Echeverria and ZixiuTangBeePollen.com.

2. The defendant currency consists of PNC Bank and Bank of America bank accounts and cash in lieu of PNC Bank and Bank of America bank accounts seized from ZiXiuTangBeePollen.com; www.ZixiuTangBeePollen.com, LLC; STACKS, LLC; and Julia M. Echeverria at 14001 Saint Germain Drive, Unit 632, Centerville, Virginia. The defendant currency is presently in the custody of the United States Marshals Service.

3. Plaintiff brings this action in rem in its own right to forfeit and condemn the defendant currency. This Court has jurisdiction over an action commenced by the United States pursuant to 28 U.S.C. § 1345, and over an action for forfeiture pursuant to 28 U.S.C. § 1355(a).

4. This Court has in rem jurisdiction over the defendant currency pursuant to 28 U.S.C. § 1355(b). Upon filing of this complaint, the plaintiff requests that the Court issue an arrest warrant in rem pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental

Rule G(3)c).

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1) because the acts or omissions giving rise to the forfeiture occurred in this district.

6. The defendant currency was seized by the Food and Drug Administration on March 10, 12, and March 18, 2014 pursuant to seizure warrants. The offenses occurred within the district and within the jurisdiction of the Court. The United States will, as provided by 18 U.S.C. § 985(b)(1) and (c)(1):

- a. serve notice of this action on the defendant currency owner, and any other person or entity who may claim an interest in the defendant currency, along with a copy of the Complaint.

7. The United States alleges that the defendant currency is subject to forfeiture to the United States because it constitutes proceeds of, is derived from proceeds traceable to, or was used in any manner or part to commit or facilitate the commission of violations of 18 U.S.C. §§ 1341 and 1343 and 21 U.S.C. § 331.

8. All of the facts alleged in this Verified Complaint are based

upon information and belief, the sources of which are Robert Ekey, Special Agent with the Food and Drug Administration (“FDA”) and Postal Inspector Nicholas Alicea, United States Postal Inspection Service (“USPIS”), resulting from an investigation into the misbranding, mail fraud, and wire fraud activities of Julia M. Echevarria and others conducted by the FDA and USPIS.

9. During the period between November 2012 and October 2013, fourteen adverse event reports were submitted to the FDA documenting medical events attributed to Zi Xiu Tang Bee Pollen Capsules.

10. Between approximately February 2013 and February 2014, twenty-seven shipments containing a total of over 300,000 Zi Xiu Tang Bee Pollen Capsules addressed to “Julie Echeverria” and another individual were detained by the FDA at the International Mail Facility at John F. Kennedy Airport. In each of those instances, the FDA sent written notice to Julia and Franklin Echeverria that the shipment had been detained and would be returned to the sender by the FDA because the shipment contained an unapproved new drug.

11. Julia and Franklin Echeverria marketed and distributed Zi

Xiu Tang Bee Pollen capsules as an all-natural herbal weight loss and body reshaping product, knowing that, in fact, the bee pollen capsules contained sibutramine, an undeclared pharmaceutical ingredient.

12. On or about June 24, 2013, an undercover FDA agent ordered Zi Xiu Tang Bee Pollen capsules from a website controlled by Julia and Franklin Echeverria. The capsules were delivered by the United States Postal Service and placed in an undercover mailbox in York County, Pennsylvania, within the Middle District of Pennsylvania, on or about July 1, 2013. A subsequent laboratory analysis confirmed that the capsules contained sibutramine.

13. The investigation revealed that Julia M. Echeverria utilized bank accounts established with Bank of America and PNC Bank to conduct financial transactions associated with her business operations of [www. ZixiuTangBeePollen.com](http://www.ZixiuTangBeePollen.com). The analysis of the business bank accounts identified deposit transactions that were comprised of cash, checks, PayPal transfers, Merchant Bank Card transactions, Teller Transfers and Wire-in Transfers which are proceeds derived from the sale of Zi Xiu Tang Bee Pollen dietary supplement products.

14. An analysis of deposit transactions into the Bank of America

account number 435015879545 revealed that between March 2010 and August 2013, net revenues or proceeds from the alleged sale of misbranded dietary products deposited into the account totaled \$1,599,768.43.

15. An analysis of deposit transactions into the Bank of America account number 435015870822 revealed that from March 2010 to August 2013, net revenues or proceeds from the sale of misbranded dietary products deposited into account number 435015870822 totaled \$2,538.36.

16. An analysis of deposit transactions into the PNC Bank account number 53-1072-9983 revealed that from January 2011 to August 2013, net revenues or proceeds from the sale of suspected misbranded dietary products deposited into account number 53-1072-9983 totaled \$8,116,742.50.

17. The analysis of PNC Bank account number 53-1072-9924 revealed that between May 2011 and August 2013, the only source of deposits other than monthly interest payments was derived from the transfer of funds from PNC Bank business checking account number 53-1072-9983. The analysis revealed that \$5,402,139.03 was

transferred from the www.ZixiuTangBeePollen.com, LLC, PNC Bank account number 53-1072-9983 to PNC account number 53-1072-9924.

18. The analysis of PNC Bank account number 53-3081-9708 revealed that deposits including monthly interest to that account resulted from two transactions in which funds totaling \$300,500 were transferred from the www.ZixiuTangBeePollen.com, LLC, PNC Bank account number 53-1072-9983.

19. An analysis of deposit transactions into the Bank of America account number 001350194717 revealed that between March 2010 and August 2013, \$1,978.84 were deposited into the account. The majority of deposits were based on transfers and interest from Bank of America account number 001350190491.

20. An analysis of deposit transactions into the Bank of America account number 001350190491 revealed that between January 2010 and August 2013, \$179,768.01 of the deposits were attributed to receipts relating to the Zixuitang bee pollen products.

21. An analysis of deposit transactions into the PNC Bank account number 55-6062-7541 revealed that between January 2011 and August 2013, \$290,652.23 were deposited into the account. The

analysis revealed that, included among the deposits, were \$176,800 in funds transferred from the www.ZixiuTangBeePollen.com, LLC PNC Bank account number 53-1072-9983.

22. The analysis of Echeverria's business and personal accounts identified the deposit of receipts associated with the sale of bee pollen dietary products totaling at least \$9 million and represent illegal proceeds derived from the sale of misbranded dietary products. The analysis also identified that proceeds totaling at least \$6 million deposited into the business accounts subsequently were transferred to Echeverria's personal accounts, other business accounts, and a third-party money market account.

23. As a result of the foregoing, there is probable cause to believe that the defendant currency constitutes proceeds of, is derived from proceeds traceable to, or was used in any manner or part to commit or facilitate the commission of violations of 18 U.S.C. §§ 1341 and 1343 and 21 U.S.C. § 331. Therefore, the defendant property is liable to condemnation and forfeiture to the United States for its use, in accordance with 18 U.S.C. § 981(a)(1)(C).

WHEREFORE, the United States of America prays that the

Court issue a warrant for the arrest of the defendant currency, that notice of this action be given to all persons who reasonably appear to be potential claimants of interest in the currency; that the defendant currency be forfeited and condemned to the United States of America; that the plaintiff be awarded its costs and disbursements in this action and for such other and further relief as this Court deems proper and just.

Respectfully submitted,

PETER J. SMITH
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VERIFICATION

I, James T. Clancy, Assistant United States Attorney, declare under penalty of perjury as provided by 28 U.S.C. § 1746, that the foregoing Complaint of Forfeiture In Rem is based on reports and information furnished by the Food and Drug Administration and United States Postal Inspection Service and everything contained therein is true and correct to the best of my knowledge.

Respectfully submitted,

PETER J. SMITH
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